



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

FILED

JUN 13 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Acting Court Division Administrator

June 13, 2018

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: AMERICAN BROADCASTING COMPANIES, INC.; THE ASSOCIATED PRESS; CABLE
NEWS NETWORK, INC.; CHESAPEAKE MEDIA I, LLC dba KSNV-TV; LOS ANGELES TIMES
COMMUNICATIONS, LLC; THE NEW YORK TIMES COMPANY; SCRIPPS BROADCASTING
HOLDINGS LLC dba KTNV-TV; WP COMPANY LLC dba THE WASHINGTON POST vs. LAS
VEGAS METROPOLITAN DEPARTMENT

S.C. CASE: 76023
D.C. CASE: A-17-764030-W

Dear Ms. Brown:

Pursuant to your Order Directing Entry of Written Order, Directing Answer, and Imposing Stay, dated June 11, 2018 and as the request of Judge Stefany Miley, enclosed is a certified copy of the Order filed June 13, 2018 in the above referenced case. If you have any questions regarding this matter, please do not hesitate to contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

Heather Ungermann, Deputy Clerk

18-22551

Steven D. Grierson

DISTRICT COURT
CLARK COUNTY, NEVADA

AMERICAN BROADCASTING
COMPANIES, INC.,

Plaintiff,

v.

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT,

Defendant.

CASE NO.: A764030

DEPARTMENT XXIII

ORDER

I. INTRODUCTION

This matter came before the Court on May 18, 2018, for a Motion for Order to Show Cause, Request to Issue Sanctions, and Request for Emergency Status Check on Order Shortening Time (the "Motions") filed by the Las Vegas Review-Journal ("LVRJ"). On May 24, 2018, Petitioners American Broadcasting Companies, Inc. ("ABC"), the Associated Press ("AP"), Cable News Network, Inc. ("CNN"), Chesapeake Media I, LLC, d/b/a KSNV-TV ("KSNV-TV"), Los Angeles Times Communications, LLC ("Los Angeles Times"), The New York Times Company ("The New York Times"), Scripps Broadcasting Holdings, LLC d/b/a KTN V-TV ("KTNV-TV") and WP Company LLC d/b/a The Washington Post ("Washington Post") (and together with LVRJ, the "Petitioners") filed a Joinder to the Motions. On May 25, 2018, Las Vegas Metropolitan Police Department ("Metro") filed its Opposition thereto. On May 29, 2018, this Court heard oral argument on the Motions. Nick D. Crosby, Esq. and Jackie V. Nichols, Esq. appeared on behalf of Metro, Margaret A. McLetchie, Esq. and Alma M. Shell, Esq.

1 appeared on behalf of the LVRJ, and Justin A. Shiroff, Esq. appeared on behalf of the
2 remaining Petitioners.

3
4 Having considered the arguments of the parties, the papers on file, and the relevant
5 law, the Court enters the following Decision and Order.

6
7
8 **II. DISCUSSION**

9 Pursuant to the May 29, 2018 hearing, COURT FINDS, as follows:

10 1. Despite this Court having jurisdiction to hold a contempt proceeding pursuant to
11 the Nevada Supreme Court's decision in *McCormick* (due to the fact that this Court is not
12 the court "in whose contempt the defendant is alleged to be." 67 Nev. at 328, 218 P.2d at
13 943), this Court declines to entertain Plaintiff's Motion for Contempt.

14 2. Instead, this Court's Order is intended to effectuate Judge Scotti's Disclosure
15 Order as economically and efficiently as possible.

16 3. This Court therefore makes clear that its jurisdiction is limited to enforcement of
17 the currently operative March 2, 2018 and March 9, 2018 Orders, entered before Judge
18 Scotti.

19 4. As to those orders, the Nevada Supreme Court denied a stay on April 27, 2018.

20 5. Consistent with its jurisdiction and in accordance with Judge Scotti's March 2,
21 2018 and March 9, 2018 Orders, COURT HEREBY ORDERS, Metro to produce already-
22 existing documentation that details what public records are currently in its possession,
23 within the following parameters:

24 a. For any 911 call logs, transcripts, or audio recordings not already produced to
25 Petitioners, Metro is to provide the Court and Petitioners with any existing lists
26 within Metro's possession and control, including any list generated by Metro's
27 computer-aided dispatch ("CAD") system.
28

1 b. For any body-worn camera footage not already produced to Petitioners, Metro is
2 to provide the Court and Petitioners with any existing lists within Metro's
3 possession, custody, or control, including any list generated by Metro's CAD
4 system.

5
6 c. For any closed-circuit television cameras or other security camera footage
7 not already produced to Petitioners, Metro is to provide the Court and Petitioners
8 with any existing lists within Metro's possession and control, including any
9 existing documentation that explains any unique identifiers Metro uses to refer to
10 specific video feeds.

11
12 d. For any evidence logs not already produced to Petitioners, Metro is to
13 provide the Court and Petitioners with any existing lists within Metro's possession,
14 custody, or control.

15 e. For any documentation related to the dispatch logs not already produced to
16 Petitioners, Metro is to provide the Court and Petitioners with any existing lists
17 within Metro's possession and control, including any list generated by Metro's
18 CAD system.

19
20 6. This Court does not order or otherwise require Metro to create any new
21 document, record, or other list relating to the public records and categories thereof
22 enumerated in paragraph 5 and its subparts. Metro's obligations are not expanded but
23 rather limited to Judge Scotti's March 2, 2018 and March 9, 2018 Orders.

24
25 7. In addition to the materials outlined in paragraph 5 and its subparts, Metro is to
26 provide a certification identifying any categories of documents requested within the
27 original public records request that are subject to production as a result of the operative
28 orders but where no responsive documents exist (the "Certification").

1 8. Any and all Certification that Metro is ordered to produce is consistent
2 with the production obligations outlined in the operative orders, as a certified response
3 indicating the non-existence of responsive documents would itself be a sufficient response
4 to the original public records requests and consistent with the intent of the operative
5 orders.
6

7 9. Metro is to provide the records and information described in paragraphs 5 and 7
8 (and related subparts) no later than June 12, 2018.
9

10 10. Finally, COURT FINDS, supplemental briefing is appropriate for Metro's
11 alleged failure to produce records directly to Petitioners, potentially differing timing
12 and/or manners of production between Petitioners and the general public, as well as any
13 purported Constitutional violations occurring as a result of the current release procedures.
14

15 III. ORDER

16 For the foregoing reasons, COURT HEREBY ORDERS, Metro to produce
17 already-existing documentation that details what public records are currently in its
18 possession, within the following parameters:

19 a. For any 911 call logs, transcripts, or audio recordings not already produced to
20 Petitioners, Metro is to provide the Court and Petitioners with any existing lists
21 within Metro's possession and control, including any list generated by Metro's
22 computer-aided dispatch ("CAD") system.

23 b. For any body-worn camera footage not already produced to Petitioners, Metro is
24 to provide the Court and Petitioners with any existing lists within Metro's
25 possession, custody, or control, including any list generated by Metro's CAD
26 system.
27
28

1 c. For any closed-circuit television cameras or other security camera footage
2 not already produced to Petitioners, Metro is to provide the Court and Petitioners
3 with any existing lists within Metro's possession and control, including any
4 existing documentation that explains any unique identifiers Metro uses to refer to
5 specific video feeds.
6

7 d. For any evidence logs not already produced to Petitioners, Metro is to
8 provide the Court and Petitioners with any existing lists within Metro's possession,
9 custody, or control.
10

11 e. For any documentation related to the dispatch logs not already produced to
12 Petitioners, Metro is to provide the Court and Petitioners with any existing lists
13 within Metro's possession and control, including any list generated by Metro's
14 CAD system.
15

16 COURT FURTHER ORDERS, briefing schedule as follows:

- 17 1. LVRJ shall file its brief on or before June 1, 2018 at 5:00 p.m.
- 18 2. Metro shall file any response thereto on or before June 8, 2018 at 5:00
19 p.m.
- 20 3. A status check related to the production of the records and information
21 described in paragraphs 5 and 6, as well as further consideration of the
22 balance of the issues and the supplemental briefing, on June 19, 2018,
23 at 10:00 a.m.

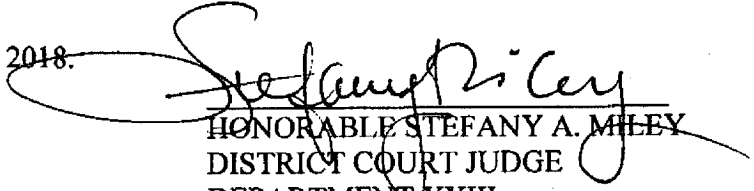
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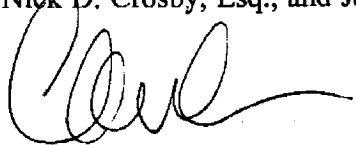
1 Finally, COURT ORDERS deferment of any further rulings on the Motions,
2 particularly as it relates to the issuance of an order to show cause or sanctions.
3

4
5 Dated this 13th day of June, 2018.


6 HONORABLE STEFANY A. MILEY
7 DISTRICT COURT JUDGE
8 DEPARTMENT XXIII

9 **CERTIFICATE OF SERVICE**

10 I hereby certify that on or about the date signed, a copy of this Order was
11 electronically served and/or placed in the attorney's folders maintained by the Clerk
12 of the Court and/or transmitted via facsimile and/or mailed, postage prepaid, by
13 United States mail to the proper parties as follows: Margaret A. Mcletchie, Esq.,
14 Alina M. Shell, Esq., Justin A. Shiroff, Esq., Nick D. Crosby, Esq., and Jacqueline
15 Nichols, Esq.

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By: 

Carmen Alper



Clerk of the Courts
Steven D. Grierson

200 Lewis Avenue
Las Vegas, NV 89155-1160
(702) 671-4554

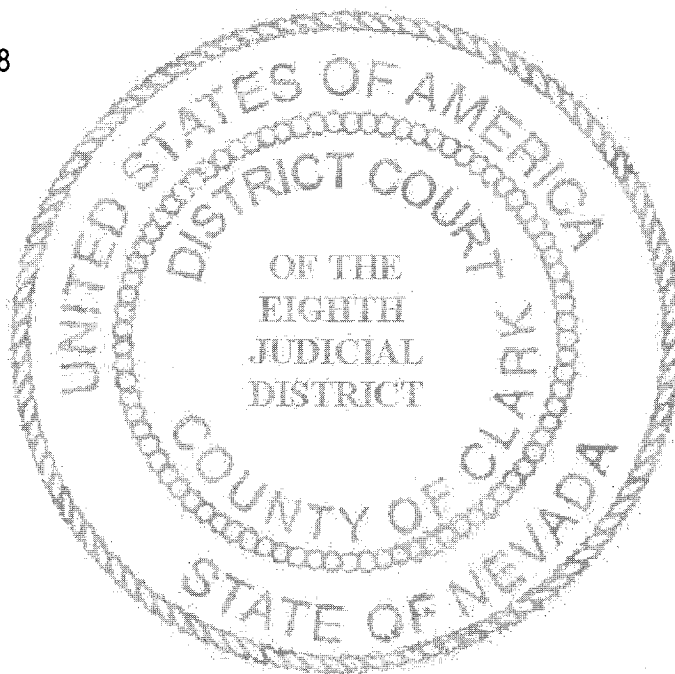
June 13, 2018

Case No.: A-17-764030-W

CERTIFICATION OF COPY

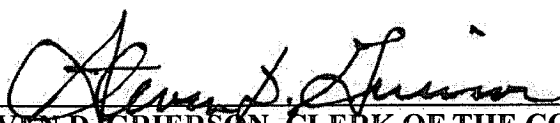
Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full, and correct copy of the hereinafter stated original document(s):

Order filed 06/13/2018



now on file and of

In witness whereof, I have hereunto set my hand and affixed the seal of the Eighth Judicial District Court at my office, Las Vegas, Nevada, at 2:04 PM on June 13, 2018.


STEVEN D. GRIERSON, CLERK OF THE COURT